

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT L. RUCKER,)	
)	
Plaintiff,)	
)	2:08cv1213
v.)	Electronic Filing
)	
CITY OF PITTSBURGH,)	Judge David S. Cercone
TIMOTHY MATSON, individually and,)	
in his official capacity,)	Magistrate Judge Lisa Pupo Lenihan
LEROY HAMMOND-SCHROCK,)	
individually and in his official capacity, and)	Re: ECF No. 47
NEAL MARABELLO, individually and)	
in his official capacity,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's Complaint was filed on August 29, 2008, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Local Rule of Court 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 47) filed on August 30, 2010, recommended that the Defendants' Motion for Summary Judgment (ECF No. 35) be granted insofar as it relates to Plaintiff's conspiracy and false arrest claims, and as it relates to Plaintiff's § 1983 claims against Defendant City of Pittsburgh. It was also recommended that Defendants' Motion for Summary Judgment (ECF No. 35) be denied insofar as it relates to Plaintiff's excessive force claim and supplemental state law tort claims against all Defendants. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and FEDERAL RULE OF CIVIL PROCEDURE 72(b)(2), and Local Rule of Court 72.D.2., the parties had fourteen (14) days from

the date of service to file objections to the Report and Recommendation. No objections have been filed. After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 22 day of September, 2010;

IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment (ECF No. 35) is **GRANTED IN PART AND DENIED IN PART** as set forth in the Report and Recommendation.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 47) of Magistrate Judge Lenihan, dated August 30, 2010, is adopted as the Opinion of the Court.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
Kelly Scanlon Graham, Esquire
Michael E. Kennedy, Esquire
Bryan Campbell, Esquire
(Via Electronic Mail)